



BOARD OF TRUSTEES  
UNIVERSITY OF PUERTO RICO

No. 6173

Date: June 29, 2000

Approved: Angel Morey  
Secretary of State

By: [Signature]  
Assistant Secretary for Services

CERTIFICATION NUMBER 090  
1999-2000

I, Angel A. Cintrón-Rivera, Member and Secretary of the Board of Trustees of the University of Puerto Rico, DO HEREBY CERTIFY: -----

That the Board of Trustees, in its regular meeting of February 17, 2000, approved the following:

**Radiation Safety Regulations Manual for the  
University of Puerto Rico.**

Issued under the seal of the University of Puerto Rico, this 18<sup>th</sup> day of February, 2000.

[Signature]  
Angel A. Cintrón-Rivera, M.D.  
Member and Secretary

CIDJ/rlo





# RADIATION SAFETY REGULATIONS MANUAL

UNIVERSITY OF PUERTO RICO  
OFFICE OF THE PRESIDENT

## AUTHORIZATION

THE RADIATION SAFETY REGULATIONS MANUAL FOR THE UNIVERSITY OF PUERTO RICO IS DIRECTED TOWARDS THE PROTECTION OF EMPLOYEES AND STUDENTS AND THE SAFE HANDLING OF RADIOACTIVE MATERIAL IN ALL INSTALLATIONS LICENSED BY THE NUCLEAR REGULATORY COMMISSION WITHIN THE UNIVERSITY. THIS DOCUMENT IS HEREBY APPROVED IN COMPLIANCE WITH THE CODE OF FEDERAL REGULATIONS TITLE 10 AND MADE EFFECTIVE IMMEDIATELY.

Norman I. Maldonado  
President

6/23/00  
Date



## **I. INTRODUCTION**

The University of Puerto Rico (UPR) is composed of a Board of Trustees, the Office of the President, the University Board, and eleven autonomous campuses. All policies and procedures at the UPR shall be in agreement with the authority given by the General Regulations of the University of Puerto Rico (*Reglamento General de la Universidad de Puerto Rico*) as amended.

Each authorized campus of the UPR is licensed by the Nuclear Regulatory Commission (NRC) to obtain and use radioactive materials for activities identified in specific license conditions. Authorization is contingent upon the existence of a safety organization that is responsible for surveillance of licensed activities to assure compliance with NRC regulations. Compliance with all Environmental Health and Safety Regulations is mandatory for compliance with NRC regulations.

This document: RADIATION SAFETY REGULATIONS MANUAL, is designed to establish guidelines at the UPR for the effective management and monitoring of all activities involving radioactive material licensed under the NRC and other state or federal agencies.

This Manual and its policies therein apply to all facilities owned and operated by the UPR or its personnel within the scope of its licenses.

## **II. POLICY**

It is the policy of UPR to conduct its activities so that radiation exposures are maintained as low as reasonably achievable and within the limits promulgated by regulatory agencies. Appropriate techniques shall be used to provide adequate control of exposure to personnel, students and the public, as well as contamination control. Each authorized user is responsible for carrying out all activities and procedures in compliance with this policy and the Radiation Safety Regulations Manual.

## **III. SAFETY ORGANIZATION**

### **A. Office of the President of the University of Puerto Rico**

The President has the ultimate responsibility and authority for all activities within the University. It is recognized that radiation safety is a direct line responsibility shared by all authorized users within individual licenses. The President appoints a Radiation Safety Board, an advisory body in all matters concerning Radiation Safety Programs.



## B. University Campuses Holding NRC Licenses

The NRC issues licenses for radioisotope use, to those UPR units that apply and qualify for them.

# IV. RESPONSIBILITIES

## A. Chancellor

1. The chancellor of each UPR unit is the designated **official** responsible for maintaining the organizational structure necessary to support all radiation safety activities required by applicable NRC regulations and license conditions. Along with responsibility, the chancellor has the enforcement authority for the unit.
2. Each chancellor is responsible for all actions taken by his (her) designees and the authorized users under the NRC license issued to the UPR unit.
3. The chancellor shall develop, document, and implement a Radiation Protection Program commensurate with the scope and extent of licensed activities and sufficient to ensure compliance with the requirements of NRC regulations (10 CFR).
4. The chancellor shall designate a Radiation Safety Officer and ancillary personnel to monitor activities authorized under the NRC license.
5. The chancellor or his (her) designee shall prepare and update as necessary a Radiation Safety Program containing the organizational structure, license conditions and operating procedures approved by the NRC.
6. The chancellor or his (her) designee shall ensure that a copy of the License Application and pertinent information related to the NRC license and regulations is provided to each authorized user.
7. Continuing education, as required by NRC regulations, shall be made available to authorized users.

## B. Authorized Radioisotope User

An authorized radioisotope user is a person who has been granted permit to buy and handle radioisotopes



1. Each authorized user is responsible for all actions taken by persons under his (her) supervision in all activities related to the NRC license.
2. Qualified personnel planning to use radioisotopes should apply for authorization following the procedures approved by NRC for the corresponding work unit.
3. Authorizations granted for radioisotope use are valid for the person and conditions stated in the license. They are not transferable to other persons.
4. Authorization for the use of radioisotopes is restricted to the conditions of each NRC license, to the specified radioisotope(s), amount, chemical/physical form of the radioisotope(s), and the place and time approved by the safety organization within the units. The authorization issued to a person to use radioisotopes under one NRC license does not imply authorization under other licenses.
5. Each authorized user shall be knowledgeable of and comply with applicable NRC regulations and radiation conditions as indicated in the Radiation Safety Program for the corresponding license.
6. Authorized users should keep abreast with state-of-the-art practices in radiation safety, radioisotope handling, waste management, and Occupational Health and Safety.
7. They shall attend to training or refresher courses as frequently as possible or as stated in the conditions of the license.

## **V. RADIATION SAFETY PROGRAM**

### **A. Introduction**

The Radiation Safety Board (RSB) has been designated by the President of the UPR to oversee all programs pertaining radioisotope use in the UPR.

The following documents are part of this program and will be adopted by reference:

1. Charter of RSB
2. NRC Licenses application and other related documents. Refer to Appendix D for a list of current NRC licenses within the UPR.



## B. Compliance and Enforcement Procedures

### 1. Inspections and audits

#### a. Radiation Safety Board

The Auditing Team of the Radiation Safety Board has the authority to carry out inspections and audits in any area within the University. However, to maintain the utmost professional relations, the chancellor will be informed 48 hours in advance and the RSO of the units 24 hours in advance of such action.

Inspections or audits by the Board will be carried out:

- i. Once a year to review the radiation protection program content and implementation [10 CFR 20.1101 (c)] or
- ii. Upon request of the President, a chancellor or their designees, or
- iii. To review and investigate incidents or accident reports as needed, or
- iv. To follow up on violation reports both from NRC or UPR personnel, or
- v. In response to a complaint

#### b. Radiation Safety Officer of each Unit

The Radiation Safety Officers and their personnel will carry out inspections of the activities involving the use of radioactive material and the authorized facilities, as they deem necessary.

### 2. Reports and Notifications

After each inspection or audit, the following steps will be followed to notify UPR officials and authorized users of possible violations. Each notification shall include a request for immediate correction to comply with regulations.

#### a. Inspection by the Radiation Safety Board

- i. Immediate oral notification shall be given to authorized users involved in apparent violations.



- ii. An oral briefing along with a preliminary written report of all findings will be given to the chancellor or his (her) designee during the last day of inspection.
- iii. A written report shall be submitted to the President, the chancellor of the unit and to the RSO, within 30 working days from the completion of the inspection.

b. Inspection by the Radiation Safety Personnel

- i. Immediate oral notification of any apparent violation shall be given to authorized users.
- ii. The user shall make acknowledgment of oral notification, by signing the preliminary inspection report.
- iii. Besides oral notification, a written report of apparent violations shall be submitted to the user within 10 working days from the date of the inspection.

3. Disciplinary actions

The chancellors of the units or their designee will initiate corrective actions with radioisotope users that violate NRC regulations or license conditions. Those actions will be in agreement with the following documents and any other regulations approved in the University.

- a. Section 39-Disciplinary Actions (“Artículo 39-Acciones Disciplinarias”) of the General Regulations of the University of Puerto Rico (“Reglamento General de la Universidad de Puerto Rico”) as amended.
- b. Title 10 of the Code of Federal Regulations Part 2 (10 CFR 2): General Statement of Policy and Procedures for NRC Enforcement Actions.

Both, Section 39 of the General Regulations of the University of Puerto Rico and the 10 CFR 2, are adopted as part of this Manual and will be included as Appendix B and Appendix C of this document.

The Enforcement Actions should follow when a severe or serious violation is detected or repeated violations have occurred. Each institutional unit shall develop guidelines for corrective action.

Such actions shall require at least one of the following corrective steps, depending on the severity of the violation:



- a. Retraining,
- b. Limitation of radioisotope use in addition to retraining,
- c. Temporary suspension of authorization in addition to retraining,
- d. Permanent suspension of authorization,
- e. Disciplinary action procedures, according to Section 39 of the General Regulations of the University of Puerto Rico.

## **VI. REVISIONS AND AMENDMENTS**

The Radiation Safety Regulations Manual shall be revised every two years as necessary or as applicable state and federal regulations are modified. The appendices are incorporated by reference only. Modifications to the appendices shall be done by the appropriate entities as necessary or applicable.

## **VII. EFFECTIVE DATE**

This Manual shall become effective thirty (30) after its registration at the State Department.





## APPENDIX A

### CHARTER OF THE RADIATION SAFETY BOARD

#### I. INTRODUCTION

This document is designed to establish guidelines for the effective management and monitoring of all activities licensed under the Nuclear Regulatory Commission (after this called the NRC), which are carried out by the University of Puerto Rico (after this called the UPR).

#### VIII. RESPONSIBILITIES

##### A. The President of the UPR

The President of the UPR has the ultimate responsibility and authority for all activities, including those related to radiation safety.

The president shall designate a Radiation Safety Board (after this called the Board) to assure that all operations related to radioisotope handling, from purchasing to disposal, are carried out according to NRC regulations (10 CFR).

##### B. Radiation Safety Board

###### 1. Membership:

The President under competent advice shall appoint the members of the Board. The Director of the Health, Safety and Environmental Quality Division (after this called CASSO), the Radiation Safety Officers of all licensed units and at least three additional persons qualified in the field will constitute the Board.

###### 2. Authority:

The Board shall oversee the Radiation Safety Program of the UPR to assure compliance with NRC regulations.



3. Chairperson:

The Chairperson of the Board will be designated by the President and will respond directly to him (her).

4. Secretary:

The secretary will be appointed by the chairperson and does not have to be a member of the Board.

5. Duties:

- a. Carry out annual audits and inspections for the University facilities holding NRC licenses. The audits must be carried out by an Auditing Team of two or more members of the Board appointed by the chairperson. The RSO of the facility being audited will not be part of the auditing team. (10 CFR Part 20.1101)
- b. Prepare and submit to the President an annual report on the status of the facilities in relation to compliance with NRC regulations.
- c. Evaluate new applications for NRC licenses.
- d. Review and recommend procedures in the area of radiation safety, as necessary.
- e. Review and investigate incident or accident reports whenever necessary.
- f. Follow up on NRC's inspection findings.
- g. Recommend to the President possible disciplinary measures for repetitive violators of the regulations.
- h. Prepare, and maintain a Radiation Safety Manual for the University.
- i. Act upon other activities requested by the President.



6. Quorum:

The quorum shall consist of more than half of the members of the Board.

7. Frequency of meetings:

The Board shall meet once every six months or more frequently when necessary. The chairperson shall call a meeting at his (her) discretion, upon the recommendation of the President or after requested by the RSO of a facility subject to NRC regulations. The meetings are restricted to the secretary and members of the Board. However, when necessary, other persons may be invited by the chairperson.

The meetings will be held according to parliamentary rules in use in the University.

8. Reporting:

A copy of the approved written reports, minutes of the meetings and other related documents shall be submitted to the President and shall be available at CASSO for review by the NRC officials if requested by them.

October 17, 1991; Revised 1998

## DISCIPLINARY ACTIONS

General provisions

Provisions for personnel relations

Appointing authorities and the supervising officials at all levels in the institution shall take the positive steps to achieve an institutional climate of harmony, and to promote cooperation in the mutual relations among university personnel in all

Procedure for holding hearings in disputes

Appointing authorities in the norms that he is required by these Regulations to determine the procedures and forms of recourse to attend to complaints that should arise against members of the university personnel, shall also establish the procedure for reinstatement of any member of the university personnel when dismissed.

Fundamental purpose of disciplinary action

Whenever an appointing authority considers the imposition of disciplinary action against a member of the university personnel, it shall be born in mind that the fundamental purpose of disciplinary processes is, whenever possible, to correct the behavior with the best interests of the institution.

### Section 39.1.4 - Promptness and firmness in disciplinary action

Any action which results in damage to the institution, in the course of administrative proceedings, or the good name of the university shall be the object of prompt and firm disciplinary action, according to the procedure.

### Section 39.1.5 - Investigation of the facts

Whenever a member of the university personnel conducts an act in a way that disciplinary action may be necessary, an investigation shall be initiated promptly to determine the veracity of the imputed act and the possible extenuating or aggravating circumstances.

### Section 39.1.6 - Due process of law

In every case in which some disciplinary sanction may be imposed on the economic status or the reputation of a member of the university personnel, the following minimum guarantees of due process of law shall be observed: a detailed exposition of the charges, the opportunity to be heard, the opportunity to cross-examine, the opportunity to present evidence in his or her own defense, and a statement of proven facts in a written report of which the employee shall receive a copy. In those cases covered by Section 39.2.11 of these Regulations, the provisions of Article 208 of the Political Code of Puerto Rico (1918) shall apply.

## Section 39.2 - Conduct subject to disciplinary measures

The appointing authorities may undertake disciplinary measures against members of the university personnel for any of the following reasons:

Section 39.2.1 - Professional incompetence or non-fulfillment of duties of office or position, including deliberate reduction of productivity

Section 39.2.2 - Unjustified absence from or abandonment of work

Section 39.2.3 - Lack of intellectual integrity evidenced by plagiarism

Section 39.2.4 - Painting, printing on, mutilating or damaging of the walls, floors, ceilings, windows, doors or stair-ways of buildings or grounds of the University of Puerto Rico by means of signs, posters, slogans, graffiti, scratches or other markings, drawings or writings. All the aforementioned shall be equally applicable to statues, pedestals, benches, fences and other structures within the University of Puerto Rico.

Section 39.2.5 - Interruption, obstruction or disturbance of the normal functions of the University or of legitimate activities of the University that take place within or outside of university grounds.

- Aggravated assault and battery against any member of the community.

- Insubordination or lack of discipline.

- Acts which, according to the canons of moral responsibility of the community, constitute immoral behavior.

- Malicious acts which cause damage or destruction to university or private property within university grounds.

- Participation, within the grounds of any university campus, or facility, in acts which require prior notification and which are not authorized by the corresponding university officers, as provided in these Regulations.

- Conviction for a felony.

- Malicious alteration or falsification of grades, records, cards or documents of the University of Puerto Rico, another University or institution, with the purpose of making them pass in any constituent university as genuine and true in order to benefit therefrom, or for any other purpose. Any act of passing or circulating as genuine any document known to be false or to have been altered shall equally be subject to disciplinary action.

- Publication or dissemination of libelous or pornographic content does not meet the canons of expression and communication proper to the university.

- Perpetration of any obscene, indecent or lascivious act.

- The use, in the facilities or on the grounds of the University of Puerto Rico, of abusive or aggressive language which, given the character and circumstances, would constitute sufficient provocation of the emotions and commonly produces violence or disturbance of the peace.

- Filing complaints based on charges known to be false, with the intent of harming the defendant.

- Theft or illegal use of property of the University of Puerto Rico or property of others within university grounds governed by these Regulations.

- Conduct which constitutes a legal offense under the laws of the State of Puerto Rico and which is detrimental to the good name of the University.

Section 39.2.19 – Violation of the University of Puerto Rico Regulations or provisions of these Regulations or other university regulations.

Section 39.3 – Disciplinary sanctions.

The disciplinary sanctions which shall be applied and which shall appear in the official record of the employee in question shall be as follows:

Section 39.3.1 – Oral admonition.

Section 39.3.2 – Written admonition.

Section 39.3.3 – Job and salary suspension, not to exceed six (6) months.

Section 39.3.4 – Dismissal with the consequent disqualification to re-employment in the University, unless reinstated formally, according to the procedures established to that effect.



## APPENDIX C

### 10 CFR ENERGY

#### PART 2 – RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS AND ISSUANCE OF ORDERS

Subpart B—Procedure for Imposing Requirements by Order, or for Modification, Suspension, or Revocation of a License, or for Imposing Civil Penalties

##### §2.200 Scope of subpart.

- (a) This subpart prescribes the procedures in cases initiated by the staff, or upon a request by any person, to impose requirements by order, or to modify, suspend, or revoke a license, or to take other action as may be proper, against any person subject to the jurisdiction of the Commission. However, with regard to the holder of a part 76 certificate of compliance or compliance plan, except for civil penalty procedures in this subpart, the applicable procedures are set forth in §76.70 of this chapter.
- (b) This subpart also prescribes the procedures in cases initiated by the staff to impose civil penalties pursuant to section 234 of the Act and section 206 of the Energy Reorganization Act of 1974.

[36 FR 16896, Aug. 26, 1971, as amended at 42 FR 28893, June 6, 1977; 48 FR 44172, Sept. 28, 1983; 62 FR 6668, Feb. 12, 1997]

##### §2.201 Notice of violation.

- (a) In response to an alleged violation of any provision of the Act or this chapter or the conditions of a license or an order issued by the Commission, the Commission may serve on the licensee or other person subject to the jurisdiction of the Commission a written notice of violation; a separate notice may be omitted if an order pursuant to §2.202 or demand for information pursuant to §2.204 is issued that otherwise identifies the apparent violation. The notice of violation will concisely state the alleged violation and may require that the licensee or other person submit, within 20 days of the date of the notice or other specified time, a written explanation or statement in reply if the Commission believes that the licensee has not already addressed all the issues contained in the notice of violation, including:
  - (1) Corrective steps which have been taken by the licensee or other person and the results achieved;
  - (2) Corrective steps which will be taken; and
  - (3) The date when full compliance will be achieved.



- (b) The notice may require the licensee or other person subject to the jurisdiction of the Commission to admit or deny the violation and to state the reasons for the violation, if admitted. It may provide that, if an adequate reply is not received within the time specified in the notice, the Commission may issue an order or a demand for information as to why the license should not be modified, suspended or revoked or why such other action as may be proper should not be taken.

[56 FR 40684, Aug. 15, 1991, as amended at 61 FR 43408, Aug. 22, 1996]

§2.202 Orders.

- (a) The Commission may institute a proceeding to modify, suspend, or revoke a license or to take such other action as may be proper by serving on the licensee or other person subject to the jurisdiction of the Commission an order that will:
  - (1) Allege the violations with which the licensee or other person subject to the Commission's jurisdiction is charged, or the potentially hazardous conditions or other facts deemed to be sufficient ground for the proposed action, and specify the action proposed;
  - (2) Provide that the licensee or other person must file a written answer to the order under oath or affirmation within twenty (20) days of its date, or such other time as may be specified in the order;
  - (3) Inform the licensee or any other person adversely affected by the order of his or her right, within twenty (20) days of the date of the order, or such other time as may be specified in the order, to demand a hearing on all or part of the order, except in a case where the licensee or other person has consented in writing to the order;
  - (4) Specify the issues for hearing; and
  - (5) State the effective date of the order; if the Commission finds that the public health, safety, or interest so requires or that the violation or conduct causing the violation is willful, the order may provide, for stated reasons, that the proposed action be immediately effective pending further order.
- (b) A licensee or other person to whom the Commission has issued an order under this section must respond to the order by filing a written answer under oath or affirmation. The answer shall specifically admit or deny each allegation or charge made in the order, and shall set forth the matters of fact and law on which the licensee or other person relies, and, if the order



is not consented to, the reasons as to why the order should not have been issued. Except as provided in paragraph (d) of this section, the answer may demand a hearing.

- (c) If the answer demands a hearing, the Commission will issue an order designating the time and place of hearing.
- (1) If the answer demands a hearing with respect to an immediately effective order, the hearing will be conducted expeditiously, giving due consideration to the rights of the parties.
- (2) (i) The licensee or other person to whom the Commission has issued an immediately effective order may, in addition to demanding a hearing, at the time the answer is filed or sooner, move the presiding officer to set aside the immediate effectiveness of the order on the ground that the order, including the need for immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error. The motion must state with particularity the reasons why the order is not based on adequate evidence and must be accompanied by affidavits or other evidence relied on. The NRC staff shall respond within (5) days of the receipt of the motion. The motion must be decided by the presiding officer expeditiously. During the pendency of the motion or at any other time, the presiding officer may not stay the immediate effectiveness of the order, either on its own motion, or upon motion of the licensee or other person. The presiding officer will uphold the immediate effectiveness of the order if it finds that there is adequate evidence to support immediate effectiveness. An order upholding immediate effectiveness will constitute the final agency action on immediate effectiveness. An order setting aside immediate effectiveness will be referred promptly to the Commission itself and will not be effective pending further order of the Commission.
- (ii) The presiding officer may, on motion by the staff or any other party to the proceeding, where good cause exists, delay the hearing on the immediately effective order at any time for such periods as are consistent with the due process rights of the licensee and other affected parties.
- (d) An answer may consent to the entry of an order in substantially the form proposed in the order with respect to all or some of the actions proposed in the order. The consent, in the answer or other written document, of the licensee or other person to whom the order has been issued to the entry of an order shall constitute a waiver by the licensee or other person of a hearing, findings of fact and conclusions of law, and of all right to seek Commission and judicial review or to contest the validity of the order in any forum as to those matters which have been consented to or agreed to or on which a hearing has not been requested. An order that has been consented to shall have the same force and effect as an order made after hearing by a presiding officer or the Commission, and shall be effective as provided in the order.





- (e) If the order involves the modification of a part 50 license and is a backfit, the requirements of §50.109 of this chapter shall be followed, unless the licensee has consented to the action required.

[56 FR 40684, Aug. 15, 1991, as amended at 57 FR 20198, May 12, 1992]

#### §2.203 Settlement and compromise.

At any time after the issuance of an order designating the time and place of hearing in a proceeding to modify, suspend, or revoke a license or for other action, the staff and a licensee or other person may enter into a stipulation for the settlement of the proceeding or the compromise of a civil penalty. The stipulation or compromise shall be subject to approval by the designated presiding officer or, if none has been designated, by the Chief Administrative Law Judge, according due weight to the position of the staff. The presiding officer, or if none has been designated, the Chief Administrative Law Judge, may order such adjudication of the issues as he may deem to be required in the public interest to dispose of the proceeding. If approved, the terms of the settlement or compromise shall be embodied in a decision or order settling and discontinuing the proceeding.

[36 FR 16896, Aug. 26, 1971]

#### §2.204 Demand for information.

- (a) The Commission may issue to a licensee or other person subject to the jurisdiction of the Commission a demand for information for the purpose of determining whether an order under §2.202 should be issued, or whether other action should be taken, which demand will:
  - (1) Allege the violations with which the licensee or other person is charged, or the potentially hazardous conditions or other facts deemed to be sufficient ground for issuing the demand; and
  - (2) Provide that the licensee must, or the other person may, file a written answer to the demand for information under oath or affirmation within twenty (20) days of its date, or such other time as may be specified in the demand for information.
- (b) A licensee to whom the Commission has issued a demand for information under this section must respond to the demand by filing a written answer under oath or affirmation; any other person to whom the Commission has issued a demand for information may, in its discretion, respond to the demand by filing a written answer under oath or affirmation. The licensee's answer shall specifically admit or deny each allegation or charge made in the demand for information, and shall set forth the matters of fact and law on which the licensee relies. A person other than a licensee may answer as described above, or by setting forth its reasons why the demand should not have been issued and, if the requested information is not provided, the reasons why it is not provided.



- (c) Upon review of the answer filed pursuant to paragraph (a)(2) of this section, or if no answer is filed, the Commission may institute a proceeding pursuant to 10 CFR 2.202 to take such action as may be proper.
- (d) An answer may consent to the entry of an order pursuant to §2.202 in substantially the form proposed in the demand for information. Such consent shall constitute a waiver as provided in §2.202(d).

[56 FR 40685, Aug. 15, 1991]

#### §2.205 Civil penalties.

- (a) Before instituting any proceeding to impose a civil penalty under section 234 of the Act, the Executive Director for Operations or the Executive Director's designee, as appropriate, shall serve a written notice of violation upon the person charged. This notice may be included in a notice issued pursuant to §2.201 or §76.70(d) of this chapter. The notice of violation shall specify the date or dates, facts, and the nature of the alleged act or omission with which the person is charged, and shall identify specifically the particular provision or provisions of the law, rule, regulation, license, permit, part 76 certificate of compliance or compliance plan, or cease and desist order involved in the alleged violation and must state the amount of each proposed penalty. The notice of violation shall also advise the person charged that the civil penalty may be paid in the amount specified therein, or the proposed imposition of the civil penalty may be protested in its entirety or in part, by a written answer, either denying the violation or showing extenuating circumstances. The notice of violation shall advise the person charged that upon failure to pay a civil penalty subsequently determined by the Commission, if any, unless compromised, remitted, or mitigated, be collected by civil action, pursuant to Section 234c of the Act.
- (b) Within twenty (20) days of the date of a notice of violation or other time specified in the notice, the person charged may either pay the penalty in the amount proposed or answer the notice of violation. The answer to the notice of violation shall state any facts, explanations, and arguments, denying the charges of violation, or demonstrating any extenuating circumstances, error in the notice of violation, or other reason why the penalty should not be imposed and may request remission or mitigation of the penalty.
- (c) If the person charged with violation fails to answer within the time specified in paragraph (b) of this section, an order may be issued imposing the civil penalty in the amount set forth in the notice of violation described in paragraph (a) of this section.
- (d) If the person charged with violation files an answer to the notice of violation, the Executive Director for Operations or the Executive Director's designee, upon consideration of the



answer, will issue an order dismissing the proceeding or imposing, mitigating, or remitting the civil penalty. The person charged may, within twenty (20) days of the date of the order or other time specified in the order, request a hearing.

- (e) If the person charged with violation requests a hearing, the Commission will issue an order designating the time and place of hearing.
- (f) If a hearing is held, an order will be issued after the hearing by the presiding officer or the Commission dismissing the proceeding or imposing, mitigating, or remitting the civil penalty.
- (g) The Executive Director for Operations or the Executive Director's designee, as appropriate may compromise any civil penalty, subject to the provisions of §2.203.
- (h) If the civil penalty is not compromised, or is not remitted by the Executive Director for Operations or the Executive Director's designee, as appropriate, the presiding officer, or the Commission, and if payment is not made within ten (10) days following either the service of the order described in paragraph © or (f) of this section, or the expiration of the time for requesting a hearing described in paragraph (d) of this section, the Executive Director for Operations or the Executive Director's designee, as appropriate, may refer the matter to the Attorney General for collection.
- (i) Except when payment is made after compromise or mitigation by the Department of Justice or as ordered by a court of the United States, following reference of the matter to the Attorney General for collection, payment of civil penalties imposed under section 234 of the Act shall be made by check, draft, or money order payable to the Treasurer of the United States, and mailed to the Director, Office of Enforcement.
- (j) Amount. A civil monetary penalty imposed under Section 234 of the Atomic Energy Act of 1954, as amended, or any other statute within the jurisdiction of the Commission that provides for imposition of a civil penalty in an amount equal to the amount set forth in Section 234, may not exceed \$110,000 for each violation. If any violation is a continuing one, each day of such violation shall constitute a separate violation for the purpose of computing the applicable civil penalty.

[36 FR 16896, Aug. 26, 1971, as amended at 52 FR 31608, Aug. 21, 1987; 54 FR 53315, Dec. 28, 1989; 61 FR 53555, Oct. 11, 1996; 62 FR 6668, Feb. 12, 1997]

#### §2.206 Requests for action under this subpart.

- (a) Any person may file a request to institute a proceeding pursuant to §2.202 to modify, suspend, or revoke a license, or for such other action as may be proper. Such a request shall be addressed to the Executive Director for Operations and shall be filed either (1) by delivery



APPENDIX D

UPR UNITS HOLDING NRC LICENSE

<u>UPR UNIT</u>	<u>NRC LICENSE NUMBER</u>
Medical Science Campus	52-01946-07
Agricultural Experiment Station/Río Piedras	52-01986-01
Río Piedras University Campus	52-01986-04
Mayagüez University Campus	52-10510-04
El Verde	52-19434-02



## TABLE OF CONTENTS

Authorization .....	1
Introduction.....	2
Policy .....	2
Safety Organization .....	2
Responsibilities .....	3
Radiation Safety Program .....	4
Revisions and Amendments.....	7
Effective Date.....	7
Appendix A: Charter of the Radiation Safety Board .....	A-1
Introduction.....	
Responsibilities.....	
Appendix B: "Article 39- Disciplinary Actions, General Regulations of the University of Puerto Rico " .....	B-1
Appendix C: 10 CFR Energy Part 2--Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders .....	C-1
Appendix D: UPR Units Holding NRC License.....	D-1



to the Public Document Room at 2120 L Street, NW., Washington, DC, or (2) by mail or telegram addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555. The requests shall specify the action requested and set forth the facts that constitute the basis for the request. The Executive Director for Operations will refer the request to the Director of the NRC Office with responsibility for the subject matter of the request for appropriate action in accordance with paragraph (b) of this section.

- (b) Within a reasonable time after a request pursuant to paragraph (a) of this section has been received, the Director of the NRC office with responsibility for the subject matter of the request shall either institute the requested proceeding in accordance with this subpart or shall advise the person who made the request in writing that no proceeding will be instituted in whole or in part, with respect to the request, and the reasons for the decision.
- (c) (1) Director's decisions under this section will be filed with the Office of the Secretary. Within twenty-five (25) days after the date of the Director's decision under this section that no proceeding will be instituted or other action taken in whole or in part, the Commission may on its own motion review that decision, in whole or in part, to determine if the Director has abused his discretion. This review power does not limit in any way either the Commission's supervisory power over delegated staff actions or the Commission's power to consult with the staff on a formal or informal basis regarding institution of proceedings under this section.  
  
(2) No petition or other request for Commission review of a Director's decision under this section will be entertained by the Commission.

[39 FR 12353, Apr. 5, 1974, as amended at 42 FR 36240, July 14, 1977; 45 FR 73466, Nov. 5, 1980; 52 FR 31608, Aug. 21, 1987; 53 FR 43419, Oct. 27, 1988]